



**Entergy Nuclear Northeast**  
**Entergy Nuclear Operations, Inc.**

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Michael J. Colomb  
Site Vice President – JAF

10 CFR 50.90

JAFP-13-0043  
May 7, 2013

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555

SUBJECT: Proposed Change to Renewed Facility Operating License Condition 2.T  
James A. FitzPatrick Nuclear Power Plant  
Docket 50-333  
License No. DPR-59

REFERENCE:  
1. NUREG-1905, "Safety Evaluation Report Related to the License  
Renewal of the James. A. FitzPatrick Nuclear Power Plant," dated April  
2008

Dear Sir or Madam,

Pursuant to 10 CFR 50.90, Entergy Nuclear Operations, Inc. (ENO) is submitting a request for an amendment to the Renewed Facility Operating License (DPR-59) for the James A. FitzPatrick Nuclear Power Plant (JAFNPP).

The proposed amendment would revise JAFNPP's Renewed Facility Operating License (RFOL) Condition 2.T wording to be congruent with the proposed license condition wording contained in NUREG-1905 SER Section 1.7 and to clarify that the programs and activities described in the Updated Final Safety Analysis Report (UFSAR) Supplement (and identified in Appendix A of NUREG-1905) are to be completed no later than the period of extended operation date. The change removes any potential inference that any of the activities are being implemented after the period of extended operation. The intent of this proposed amendment ensures that changes made to these programs and activities may be made in accordance with the 10 CFR 50.59 process, and that only changes to the implementation date of the license renewal commitments that have been codified by inclusion into the UFSAR are required to be made in accordance with the 10 CFR 50.90 process.

Enclosure 1: provides an evaluation supporting the requested change  
Attachment 1: contains the annotated page 8 of the current JAFNPP Renewed Facility Operating License.  
Attachment 2: contains the retyped JAFNPP RFOL page 8  
Attachment 3: contains JAFNPP RFOL page 3

JAFNPP has reviewed the proposed amendment in accordance with 10 CFR 50.92 and concluded it does not involve a significant hazards consideration. In accordance with 10 CFR 50.91, a copy of this application, along with the associated attachments, is being provided to the designated New York State official.

Entergy requests NRC approval of the proposed amendment by December 1, 2013, with the change being implemented within 31 days from that approval.

There are no commitments contained in this correspondence.

Should you have any questions concerning this submittal, please contact Mr. Chris Adner the Licensing Manager at (315) 349-6766.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 30th day of April 2013.

Sincerely,



Michael J. Colomb  
Site Vice President

MJC/CA/mjg

Enclosure: (1) Evaluation of the Proposed Change  
Attachments: (1) Annotated Page of the Current JAFNPP Facility Operating License Page 8  
(2) Re-Typed JAFNPP Facility Operating License Page 8  
(3) JAFNPP Operating License Page 3

cc: Regional Administrator, Region 1  
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## ENCLOSURE 1 – EVALUATION OF THE CHANGE

### 1.0 SUMMARY DESCRIPTION OF CHANGE

The current wording of James A. FitzPatrick Nuclear Power Plant (JAFNPP) Renewed Facility Operating License (RFOL) Condition 2.T needs to be clarified because there is ambiguity as to the appropriate process for making changes to the license renewal commitments codified by their incorporation into the JAFNPP UFSAR. The NRC staff has stated to the licensee via telecommunications with the NRC's Division of License Renewal on February 11, 2013, that because of the specific wording currently contained in the JAFNPP license condition 2.T, changes to the regulatory commitments identified in NUREG-1905 SER Appendix A shall be managed in accordance with 10 CFR 50.90 process.

Therefore, pursuant to 10 CFR 50.90, Entergy Nuclear Operations, Inc. (ENO) requests an Amendment to the Renewed Facility Operating License (DPR-59) for the James A. FitzPatrick Nuclear Power Plant. The proposed amendment would revise the wording in JAFNPP RFOL Condition 2.T to be congruent with the proposed license condition wording contained in approved final NUREG-1905 SER Section 1.7.

Specifically:

- Renewed Facility Operating License Condition 2.T is clarified to improve the understanding with respect to the prior sentence in the condition and with respect to the proposed license condition denoted in the NUREG-1905 SER Section 1.7, which the activities and programs identified in the UFSAR Supplement are to be completed no later than the period of extended operation. The change removes any inference that any activities are being implemented after the period of extended operation. The change also ensures that changes made to the programs and activities may be made in accordance with the 10 CFR 50.59 process, and that only changes to the implementation date of the license renewal commitments that have been codified by inclusion into the UFSAR are required to be made in accordance with the 10 CFR 50.90 process.

### 2.0 DETAILED DESCRIPTION OF CHANGE

JAFNPP RFOL Condition 2.T currently states:

*“License Renewal Commitments/Conditions – The UFSAR supplement, as revised, describes certain future activities to be completed prior to and during the period of extended operation. ENF and ENO shall complete these activities in accordance with Appendix A of NUREG-1905, Safety Evaluation Report Related to the License Renewal of James A. FitzPatrick Nuclear Power Plant, issued April 2008. ENF and ENO shall notify the NRC in writing within 10 days of completion of those activities required prior to the period of extended operation and those activities required during the period of extended operation”*

JAFNPP RFOL Condition 2.T is proposed to be revised as follows:

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*“License Renewal Commitments – The UFSAR supplement, as revised, describes certain future programs and activities to be completed prior to the period of extended operation. ENF and ENO shall complete these regulatory commitments codified into the UFSAR no later than October 17, 2014. ENF and ENO shall notify the NRC in writing within 10 days of completion of these activities so that they can be verified by NRC Inspection. Following incorporation into the UFSAR, the need for prior Commission approval of any changes will be governed by 10 CFR 50.59.”*

### 3.0 ANALYSIS

#### 3.1 Description of the existing JAFNPP License Renewal Conditions

JAFNPP RFOL Renewal Condition 2.U contained three (3) sub-conditions. The first sub-condition is that the UFSAR Supplement that identified the activities and programs that implemented the commitments identified in NUREG-1905 SER Appendix A be incorporated into the UFSAR. This essentially codified these regulatory commitments into the mandated licensing basis document.

The second sub-condition of JAFNPP RFOL Condition 2.U addressed the required due date of the first sub-condition. The activities and programs that implemented the commitments were required to be incorporated into the next scheduled update to the UFSAR in accordance with 10 CFR 50.71 (e) (4) following the issuance of the renewed license.

The third and final sub-condition of JAFNPP RFOL Condition 2.U was that any changes or modifications that may be made prior to incorporating the activities and programs into the UFSAR should be managed (as if they were already contained within the UFSAR) in accordance with 10 CFR 50.59. These three (3) sub-conditions were congruent with the proposed license condition identified in NUREG-1905 SER Section 1.7.

ENO has complied with all three (3) sub-conditions of JAFNPP RFOL Condition 2.U. On April 9, 2009 ENO submitted JAFP-09-0043, the UFSAR update to the James A. Fitzpatrick Nuclear Power Plant UFSAR as required by 10 CFR 50.71(e)(4) and 10 CFR 54.21(d). This update revised the existing UFSAR Sections denoted in LRA Appendix A Section A.1 as well as added UFSAR Section 16.10 (“Supplement for Renewed Operating License”). The revisions to the existing sections, and the addition of new sections contained summary descriptions of the programs and activities that were listed in Appendix B section B.1 of the License Renewal Application that implemented the license renewal commitments identified in the NUREG-1905 SER Appendix A commitment items 1 through 25. That update also fulfilled commitment #1 made in docketed correspondence JAFP-06-0109 dated 7/31/2006 to continue compliance with the license renewal commitments, and to maintain their respective implementing programs listed in LRA Appendix B, Section B.1.

JAFNPP RFOL Condition 2.T contained two (2) sub-conditions. The first sentence of the sub-condition discussed the obligation of when the license renewal related activities will be completed. This is congruent with the proposed license condition identified in

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NUREG-1905 SER Section 1.7. Therefore the intent of the first sub-condition of JAFNPP RFOL Condition 2.T is to ensure that the future activities (i.e. inspections, modifications to existing programs, creation of new programs etc. that implement the regulatory commitments identified in Appendix “A” of NUREG-1905 “Safety Evaluation Report Related to the License of James A. FitzPatrick Nuclear Power Plant” and that were required to be incorporated into the UFSAR in accordance with JAFNPP RFOL Condition 2.U) shall be completed prior to entering the period of extended operation. The schedule for these activities is identified in Appendix “A” of NUREG-1905 “Safety Evaluation Report Related to the License of James. A. FitzPatrick Nuclear Power Plant”.

The intent of the second sub-condition of JAFNPP RFOL Condition 2.T is that the NRC will be notified in writing when the implementation of those activities is completed.

JAFNPP RFOL Renewal Condition 2.V contained four (4) sub-conditions. These conditions were specifically addressed in NUREG-1905 SER Section 3.0.3.2.16 and the determination for the necessity to escalate this issue to a license condition was provided by the NRC in the Final Safety Evaluation Report section. This condition is congruent with the proposed license condition identified in NUREG-1905 SER Section 1.7 and no further discussion of these sub-conditions associated with License Renewal Condition 2.V is required with respect to this Amendment Request.

### 3.2 Existing NRC Guidance on License Renewal

Managing the NUREG-1905 SER Appendix “A” commitments by inclusion into the JAFNPP UFSAR and control under 10 CFR 50.59 is consistent with the NRC’s license renewal guidance.

1. In RIS-2007-016 rev 1, the Commission stated that 10 CFR 54.21(d) provides that the UFSAR supplement should contain a summary of the programs and activities for managing the effects of aging, and in promulgating the current license renewal rules. The Commission explained that the regulatory process will continue to ensure that the proposed changes to programs and activities that may affect descriptions in the UFSAR will receive adequate review by the licensee, and if appropriate, by the NRC.
2. Information Notice 2012-19 states *“Regulatory commitments that are incorporated as part of the UFSAR supplement are considered components of the UFSAR, and are managed in accordance with the requirements of 10 CFR 50.59”*.
3. Revision 2 of NUREG-1800, “Standard Review Plan for Review of License Renewal Applications for Nuclear Power Plants” allows implementation of the Aging Management Programs (i.e. that comprise the James A. FitzPatrick License Renewal Application) by a license renewal commitment.
4. Regulatory Guide 1.188 rev 1 Section C.1 states: *“The FSAR supplement should contain a summary description of the TLAA evaluation and the programs and activities that the applicant will use to managing the effects of aging.. The regulatory controls associated with placing a summary description of these evaluations and activities into the FSAR, along with the existing regulatory process, should ensure*

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*that future program changes that could decrease the overall effectiveness of the TLAA evaluation and aging management activities will receive appropriate review by the applicant”.*

5. In NRC Inspection Manual IP-71003, Section 71003-02 it is stated: *“The licensee followed the guidance in NEI 99-04 for the license renewal commitment change process, including the elimination of commitments, and properly evaluated, and reported where necessary, changes to license renewal commitments listed in the UFSAR in accordance with 10 CFR 50.59.”*

### 3.3 Existing NRC Guidance on Escalation of Regulatory Commitments to License Conditions

Consistent with the guidance in SECY-98-224, “Staff and Industry Activities Pertaining to the Management of Commitments Made by Power Reactor Licensees to the NRC” and as stated in NRR Office Instruction LIC-101 revision 4, “License Amendment Review Procedures”: *“Under certain conditions, it may be appropriate to escalate a licensee’s regulatory commitment to a legally binding regulatory requirement. Specifically, and consistent with the definition in LIC-100 of an “obligation,” escalating a regulatory commitment into a legally binding regulatory requirement should be reserved for matters that warrant: (1) inclusion in the technical specifications based on the criteria in 10 CFR 50.36; or (2) inclusion in the license based on determination by the NRC staff that the issue is of high safety or regulatory significance.”*

In NRR Office Instruction LIC-105, “Managing Regulatory Commitments Made by Licensees to the NRC” it is stated: *“therefore, if the NRC staff needs to rely on a commitment in an SE, then the staff must escalate the commitment to an obligation or incorporate it into a mandated licensing basis document”.*

JAFNPP NUREG-1905 SER Appendix “A” commitments do not warrant inclusion in the Technical Specifications based on the criteria in 10 CFR 50.36 and also because the commitments were developed, reviewed and approved under 10 CFR 54 rules and regulations for renewal of operating licenses. 10 CFR 54.22 requires that an application for license renewal include any Technical Specification changes or additions necessary to manage the effects of ageing during the PEO. As reviewed and approved by the NRC in JAFNPP License Renewal Application Appendix D it was determined that no changes to the JAFNPP Technical Specifications were required.

JAFNPP NUREG-1905 SER Appendix “A” commitments were required to be incorporated into the UFSAR as denoted in proposed license condition contained in NUREG-1905 SER Section 1.7 and by JAFNPP RFOL Condition 2.U. This is congruent with the guidance contained in NRR Office Instruction LIC-105, incorporating regulatory commitments that are relied upon in a safety evaluation report into a mandated licensing basis document (i.e. UFSAR). The only exception to this was with respect to JAFNPP RFOL Condition 2.V – “Capsule Withdrawal Schedule”. As discussed in NUREG-1905 SER Section 3.0.3.2.16 – Reactor Vessel Surveillance Program, the staff determined the necessity to escalate this commitment to an obligation, instead of incorporating it into the UFSAR and provided the justification for doing so in the SER. This was the only license

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renewal commitment that was escalated to a license condition in the final approved SER.

The NRC has reviewed the JAFNPP license renewal commitments for acceptability in NUREG-1905 and had concluded in the SER in Sections 3.7, 4.8, and 6.0 that there was reasonable assurance that the programs established and committed to by JAFNPP as well as the activities authorized by the renewed license would continue to be conducted in accordance with the Current Licensing Basis (CLB). Therefore it can be concluded that the NRC did not consider the NUREG-1905 SER Appendix A commitments to be of a high safety significance or of a regulatory significance that would warrant escalation of each commitment to a license condition. Further, escalating license renewal commitments to conditions based on this premise would be contrary to NRC guidance contained in NUREG-1800, and Regulatory Guide 1.188.

### 3.4 Precedent

In ML11164A265, dated 6/20/2011, NRC to Prairie Island Nuclear Generating Station, “Notice of Change to the Proposed License Conditions for License Renewal for Prairie Island Nuclear Generating Plant, Units 1 and 2”. The staff stated: “The proposed license condition in SER Section 1.7 duplicates Commitment No. 25. Therefore, the staff has determined that the proposed license condition is not necessary”. This is an example, where the NRC staff had determined that a licensee commitment to license renewal activity did not warrant an escalation to a licensing condition and that a regulatory commitment codified in the UFSAR was sufficient to implement the activity and the respective license condition can be removed.

In ML12318A286, dated 11/13/2012, NextEra Energy Duane Arnold, LLC to the NRC, “License Amendment Request for Change to Renewed Operating License Condition C.12” NextEra Energy Duane Arnold, LLC submitted a license amendment request on behalf of the Duane Arnold Energy Center to revise the wording in their license renewal condition C.12 because of the potential ambiguity as to the appropriate process for making changes to the license renewal commitments in the DAEC UFSAR. Their concern was stated as follows: “One interpretation of the current license condition C.12 wording is that prior NRC approval would be required under 10 CFR 50.90 in order to make any change to a license renewal commitment, whether it is included in the UFSAR supplement or not.”

In ML12068A110, dated 3/5/2012, “Proposed Change No. 300 to Renewed Facility Operating License Condition 3.P and 3.Q Changes Vermont Yankee Nuclear Power Station” ENO submitted a license amendment request on behalf of the Vermont Yankee (VY) Nuclear Power Station to revise the wording in their license renewal conditions 3.P and 3.Q. The NRC had determined that the original wording in the conditions had escalated the commitments to conditions. The staff denoted this in NRC Information Notice 2012-19 which stated: “This wording escalated the regulatory commitments to license conditions”.

In ML13042A272, dated 4/17/2013, “Vermont Yankee Nuclear Power Station - Issuance of Amendment to the Renewed Facility Operating License RE: License Condition 3.P



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and 3.Q Changes”. The NRC approved the change to revise the wording in the license conditions so that the license renewal commitments can be incorporated as part of the UFSAR and may be changed without prior NRC approval provided the requirements of 10 CFR 50.59 have been previously satisfied.

### 3.5 Summary

Presently the staff interprets the current license condition wording in the JAFNPP License Condition 2.T as requiring NRC approval under 10 CFR 50.90 in order to make any change to a license renewal commitment. This interpretation is inappropriate as it provides unnecessary escalated regulatory oversight for the reasons presented in Sections 3.2, 3.3 and 3.4 of this enclosure. Furthermore, requiring the use of the 10 CFR 50.90 license amendment process to modify license renewal commitments would create an unnecessary burden for JAFNPP and the NRC.

The License Amendment Requests for Duane Arnold and Vermont Yankee (recently approved by the staff for VY) clarify the appropriate process, namely 10 CFR 50.59, for making changes to the license renewal commitments that were codified by their inclusion into their respective UFSAR. Consistent with these LARs, the proposed LAR for JAFNPP provides a similar clarity to the JAFNPP respective License Renewal Condition regarding implementation by incorporating the following sentence into the end of License Condition 2.T: “following incorporation into the UFSAR, the need for prior commission approval of any changes will be governed by 10 CFR 50.59”. This change to the JAFNPP condition is non-technical and provides the clarity for the control and evaluation of the UFSAR supplement information consistent with established processes for control of other information contained in the UFSAR.

The License Amendment Requests for Duane Arnold and Vermont Yankee (recently approved by the staff for VY) clarify the License Renewal Condition to implement their license renewal commitments by a certain date in accordance with their respective SER. The ambiguity of implementing license renewal commitments “in accordance with the SER” contributed to the escalation of the commitments to license conditions. Therefore any reference to Appendix “A” of the JAFNPP SER is removed from the condition and is replaced by the actual implementation dates, which are the actual obligation consistent with the staff’s guidance and the obligations identified in the respective SERs. Consistent with the other LARs, the proposed LAR for JAFNPP provides a similar clarity to the JAFNPP respective License Renewal Condition regarding implementation by incorporating the actual date in lieu of the schedule of repetitive dates contained in Appendix “A” of the SER. In this context, the understanding between the staff and ENO is that the programs are to be implemented by the period of extended operation and then they become ongoing activities that are to be maintained during the period of extended operation. This change to the JAFNPP condition is also considered non-technical and provides the clarity for the implementation date.

ENO believes that the intent of the JAFNPP RFOL Condition 2.T was to ensure complete implementation of license renewal commitments on schedule and prior to the start of the period of extended operation and not additionally during the period of extended operation. Consistent with ENOs understanding of this matter, the Staff’s SER

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(NUREG-1905, Section 1.7 titled “Summary of Proposed License Conditions,” 3<sup>rd</sup> paragraph) requires completion prior to the period of extended operation and not additionally during the period of extended operation. Accordingly, the phrase “and during” is proposed to be removed from the JAFNPP License Condition 2.T. This aspect of the change is also considered non-technical.

In addition to the changes discussed above regarding License Condition 2.T, the second to last sentence of this License Condition is modified to include the phrase: “... so that they can be verified by NRC Inspection.” This change is also considered editorial in nature as it is being made to be consistent with the requirements of the NRC Inspection Manual. Specifically, Inspection Procedure (IP) 71003, titled “Post-Approval Site Inspection for License Renewal,” dated February 15, 2008, provides for NRC verification that the license conditions and license commitments added as part of the renewed license are implemented in accordance with 10 CFR 54 “Requirements for the Renewal of Operating Licenses for Nuclear Power Plants.”

The preceding provides the evaluation that justifies that changes to any of the James A. FitzPatrick’s Nuclear Power Plant license renewal commitments and their associated implementing programs that have been codified by their inclusion into the UFSAR can be made in accordance with the 10 CFR 50.59 process. This process will ensure that any changes that potentially could decrease the effectiveness of these aging management programs will receive an appropriate review prior to the change. Only changes that may be required to the implementation date of the 10 CFR 50.59 codified license renewal commitments shall be made in accordance with the 10 CFR 50.90 process.

This conclusion is based on the following:

1. The programs and activities that implement the regulatory commitments identified in NUREG-1905 SER Appendix “A” have been incorporated in the UFSAR and are considered codified under 10 CFR 50.59.
2. Codifying commitments under 10 CFR 50.59 by inclusion into UFSAR is consistent with NRC guidance for the treatment of license renewal commitments.
3. The commitments identified in NUREG-1905 SER Appendix “A” do not meet the criterion of 10 CFR 50.36 for inclusion into the Technical Specifications, and therefore do not meet the staff’s criterion for escalation to license conditions.
4. The commitments identified in NUREG-1905 SER Appendix “A” do not have high regulatory or safety significance and therefore do not meet the staff’s criterion for escalation to conditions.
5. The commitments identified in NUREG-1905 SER Appendix “A” were already escalated for inclusion into a mandated licensing basis document (the JAFNPP UFSAR) in accordance with the guidance contained in NRR Office Instruction LIC-105 Revision 4, “Managing Regulatory Commitments Made by Licensees to the NRC” and therefore were not required to be escalated any further.

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6. Consistent with NUREG-1800, the generic intention of license renewal conditions are to: 1) ensure the regulatory commitments are completed on schedule prior to the period of extended operation and 2) ensure that they are incorporated in the licensee's UFSAR.
7. It is presumed that if the actual intent of the Staff was to escalate the twenty-five (25) JAFNPP regulatory commitments to an obligation/license condition then the JAFNPP License Condition 2.U to escalate them to the mandated licensing basis document (the JAFNPP UFSAR) would have been unnecessary.
8. The staff has recently approved the license amendment request to clarify the wording in the Vermont Yankee Nuclear Power Station license conditions so that the license renewal commitments that have been incorporated into the Vermont Yankee UFSAR may be changed without prior NRC approval provided the requirements of 10 CFR 50.59 are satisfied.

### 4.0 REGULATORY SAFETY ANALYSIS

#### 4.1 No Significant Hazards Consideration

4.1.1: Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

No, the proposed amendment does not involve a change to an System, Structure or Component (SSC) that initiates a plant accident. The change clarifies JAFNPP RFOL Condition 2.T. The license condition deals with the administrative controls over information contained in the Updated Final Safety Analysis Report (UFSAR) supplement. In addition, the change provides the actual completion date in lieu of the schedule contained in the Commitment Appendix of the SER, for license renewal commitments codified into the UFSAR and removes the inference that any programs and activities are being implemented during the period of extended operation. The proposed changes are administrative and the license condition does not initiate or mitigate any previously evaluated accidents. Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

4.1.2: Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No, the proposed amendment does not involve any physical alteration of plant equipment and does not change the method by which any safety-related system performs its function. The license condition deals with the administrative controls over information contained in the UFSAR supplement. In addition, the change provides the actual completion date in lieu of the schedule contained in the Commitment Appendix of the SER, for license renewal commitments codified into the UFSAR and removes the inference that any activities are being implemented during the period of extended operation. No new or different types of equipment will be installed and the basic

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operation of installed equipment is unchanged. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

4.1.3: Does the proposed amendment involve a significant reduction in a margin of safety?

No, the proposed amendment does not affect design codes or design margins. The changes that clarify JAFNPP RFOL Condition 2.T are administrative in nature and do not have the ability to affect any analyzed safety margins. Therefore operation of JAFNPP in accordance with the proposed amendment change will not involve a significant reduction in the margin of safety.

### **4.1.4 Conclusion**

Based on the preceding 10 CFR 50.92 evaluation, ENO concludes that the proposed amendment change presents no significant hazards consideration under the standards set forth in 10 CFR 50.92 (c), and, accordingly a finding of “no significant hazards consideration” is justified.

## **4.2 Environmental Consideration**

This amendment request meets the eligibility criteria for categorical exclusion from environmental review set forth in 10 CFR 51.22(c)(9) as follows:

4.2.1 The amendment involves no significant hazards determination. As described in Section 4.1 of this evaluation, the proposed change involves no significant hazards consideration.

4.2.2 There is no significant change in the types or significant increase in the amounts of any effluent that may be released offsite. The proposed amendment does not involve any physical alterations to the plant configuration that could lead to a change in the type or amount of effluent release off site.

4.2.3 There is no significant increase in individual or cumulative occupational radiation exposure. The proposed amendment does not involve a significant increase in individual or cumulative occupational radiation exposure.

### **4.2.4 Conclusion**

Based on the above, ENO concludes that the proposed change meets the eligibility criteria for categorical exclusion as set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of this amendment.

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### **5.0 REFERENCES**

Regulatory Guide 1.188 Revision 1, “Standard Format and Content for Applications to Renew Nuclear Power Plant Operating Licenses”

NUREG-1800 Revision 2, “Standard Review Plan for Review of License Renewal Applications for Nuclear Power Plants

NUREG-1905, “Safety Evaluation Report Related to the License of James. A. FitzPatrick Nuclear Power Plant”

RIS-2007-016 Revision 1, “Implementation of the Requirements of 10 CFR 54.37(b) for Holders of Renewed Licenses”.

Information Notice 2012-19 “License Renewal Post Approval Site Inspections Issues”

NRR Office Instruction LIC-105 Revision 4, “Managing Regulatory Commitments Made by Licensees to the NRC”

NRR Office Instruction LIC-101 Revision 4, “License Amendment Review Procedures”

SECY-98-224, “Staff and Industry Activities Pertaining to the Management of Commitments Made by Power Reactor Licensees to the NRC”

NRC Inspection Manual IP-71003, “Post Approval Site Inspection for License Renewal”

ML unavailable, JAFP-09-0142, dated 12/10/2009, “Resubmit 2009 Updated Final Safety Analysis Report, Technical Specifications Bases, and Technical Requirements Manual Changes”

ML unavailable, JAFP-09-0043, dated 4/09/2009, “2009 Updated Final Safety Analysis Report, Technical Specifications Bases, and Technical Requirements Manual Changes”

ML11164A265, dated 6/20/2011, “Notice of Change to the Proposed License Conditions for License Renewal for Prairie Island Nuclear Generating Plant, Units 1 and 2”

ML12318A286, dated 11/13/2012, “License Amendment Request [to Duane Arnold Energy Center] for Change to Renewed Operating License Condition C.12”

ML12068A110, dated 3/5/2012, “Proposed Change No. 300 - Renewed Facility Operating License Condition 3.P and 3.Q Changes - Vermont Yankee Nuclear Power Station”

ML13042A272, dated 4/17/2013, “Vermont Yankee Nuclear Power Station - Issuance of Amendment to the Renewed Facility Operating License RE: License Condition 3.P and 3.Q Changes”

- T. License Renewal Commitments ~~/Conditions~~ – The UFSAR supplement, as revised, describes certain future **programs and** activities to be completed prior to ~~and during~~ the period of extended operation. ENF and ENO shall complete these **regulatory commitments codified into the UFSAR no later than October 17, 2014.**~~activities in accordance with Appendix A of NUREG-1905, Safety Evaluation Report Related to the License Renewal of James A. FitzPatrick Nuclear Power Plant, issued April 2008.~~ ENF and ENO shall notify the NRC in writing within 10 days of completion of ~~these~~**these** activities **so that they can be verified by NRC**~~required prior to the period of extended operation and those activities required during the period of extended operation.~~**inspection. Following incorporation into the UFSAR the need for prior Commission approval of any changes will be governed by 10 CFR 50.59.**
- U. UFSAR Supplement Changes – The UFSAR supplement, as revised, submitted pursuant to 10 CFR 54.21(d), shall be included in the next scheduled update to the UFSAR required by the 10 CFR 50.71(e)(4) following the issuance of this renewed operating license. Until that update is complete, ENF and ENO may make changes to the programs and activities described in the supplement without prior Commission approval, provided that ENF and ENO evaluate such changes pursuant to the criteria set forth in 10 CFR 50.59 and otherwise complies with the requirements in that section. .
- V. Capsule withdrawal schedule – All capsules in the reactor vessel that are removed and tested must meet the test procedures and reporting requirements of the most recent NRC-approved version of the Boiling Water Reactor Vessel and Internals Project (BWRVIP) Integrated Surveillance Program (ISP) appropriate for the configuration of the specimens in the capsule. Any changes to the capsule withdrawal schedule, including spare capsules, must be approved by the NRC prior to implementation. All capsules placed in storage must be maintained for future insertion. Any changes to storage requirements must be approved by the NRC, as required by 10 CFR Part 50, Appendix H.
3. This renewed operating license is effective as of the date of issuance and shall expire at midnight on October 17, 2034.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by  
Eric J. Leeds, Director  
Office of Nuclear Reactor Regulation

Attachments/Appendices:

1. Appendix A – Technical Specifications
2. Appendix B – Deleted
3. Appendix C – Additional Conditions

Date of Issuance: **September 8, 2008** \_\_\_\_\_

Renewed License No. DPR-59

- T. License Renewal Commitments – The UFSAR supplement, as revised, describes certain future programs and activities to be completed prior to the period of extended operation. ENF and ENO shall complete these regulatory commitments codified into the UFSAR no later than October 17, 2014. ENF and ENO shall notify the NRC in writing within 10 days of completion of these activities so that they can be verified by NRC inspection. Following incorporation into the UFSAR the need for prior Commission approval of any changes will be governed by 10 CFR 50.59.
  - U. UFSAR Supplement Changes – The UFSAR supplement, as revised, submitted pursuant to 10 CFR 54.21(d), shall be included in the next scheduled update to the UFSAR required by the 10 CFR 50.71(e)(4) following the issuance of this renewed operating license. Until that update is complete, ENF and ENO may make changes to the programs and activities described in the supplement without prior Commission approval, provided that ENF and ENO evaluate such changes pursuant to the criteria set forth in 10 CFR 50.59 and otherwise complies with the requirements in that section.
  - V. Capsule withdrawal schedule – All capsules in the reactor vessel that are removed and tested must meet the test procedures and reporting requirements of the most recent NRC-approved version of the Boiling Water Reactor Vessel and Internals Project (BWRVIP) Integrated Surveillance Program (ISP) appropriate for the configuration of the specimens in the capsule. Any changes to the capsule withdrawal schedule, including spare capsules, must be approved by the NRC prior to implementation. All capsules placed in storage must be maintained for future insertion. Any changes to storage requirements must be approved by the NRC, as required by 10 CFR Part 50, Appendix H.
3. This renewed operating license is effective as of the date of issuance and shall expire at midnight on October 17, 2034.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by  
Eric J. Leeds, Director  
Office of Nuclear Reactor Regulation

Attachments/Appendices:

- 1. Appendix A – Technical Specifications
- 2. Appendix B – Deleted
- 3. Appendix C – Additional Conditions

Date of Issuance: \_\_\_\_\_

Renewed License No. DPR-59

- (4) ENO pursuant to the Act and 10 CFR Parts 30, 40, and 70 to receive, possess, and use, at any time, any byproduct, source and special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration; or associated with radioactive apparatus, components or tools..
- (5) Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.

C. This renewed operating license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

ENO is authorized to operate the facility at steady state reactor core power levels not in excess of 2536 megawatts (thermal).

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. \_\_\_\_\_, are hereby incorporated in the renewed operating license. The licensee shall operate the facility in accordance with the Technical Specifications.

(3) Fire Protection

ENO shall implement and maintain in effect all provisions of the approved fire protections program as described in the Final Safety Analysis Report for the facility and as approved in the SER dated November 20, 1972; the SER Supplement No. 1 dated February 1, 1973; the SER Supplement No. 2 dated October 4, 1974; the SER dated August 1, 1979; the SER Supplement dated October 3, 1980; the SER Supplement dated February 13, 1981; the NRC Letter dated February 24, 1981; Technical Specification Amendments 34 (dated January 31, 1978), 80 (dated May 22, 1984), 134 (dated July 19, 1989), 135 (dated September 5, 1989), 142 (dated October 23, 1989), 164 (dated August 10, 1990), 176 (dated January 16, 1992), 177 (dated February 10, 1992), 186 (dated February 19, 1993), 190 (dated June 29, 1993), 191 (dated July 7, 1993), 206 (dated February 28, 1994) and 214 (dated June 27, 1994); and NRC Exemptions and associated safety evaluations dated April 26, 1983, July 1, 1983, January 11, 1985, April 30, 1986, September 15, 1986 and September 10, 1992 subject to the following provision: